

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-216-FL

UNITED STATES OF AMERICA,)
Plaintiff,)
)
vs.)
)
HYSEN SHERIFI)
MOHAMMAD OMAR ALY HASSAN,)
ZIYAD YAGHI,)
Defendants.)

**OBJECTION TO ADMISSIBILITY
OF GOVERNMENT'S
AUDIO RECORDINGS**

NOW COME the Defendants, Ziyad Yaghi, Hysen Sherifi and Mohammad Omar Aly Hassan, by and through their undersigned attorneys, and respectfully move this Honorable Court to reject the admissibility of the Government's Audio Recordings. In support of this Objection, the Defendants would show that at a recent hearing in New Bern, the Government indicated that it would likely only introduce about 20 hours of audio recordings into evidence at trial. This is the first time that the Government indicated a limit of only 20 hours, having previously forecast much longer times for audio evidence. Defense counsel have requested, in writing and by e-mail, from counsel for the Government, a list of which particular recordings it intends to introduce, given that more than 600 transcripts were provided and the Government designates 137 audio recordings to be used in its case in chief. The total of the 137 recordings is well in excess of 20 hours' duration. In order for defendants to comply with this Court's Order regarding objections to such evidence, or requests to review such evidence, the Defense needs to know what the Government plans to offer into evidence. As of the filing of this Notice, the Government has not responded to the Defendant's requests. Without such a response, Defendants are left to the Court's suggestion that objections

regarding each offered exhibit be made outside the jury's presence, which would likely slow the trial tremendously.

WHEREFORE, the Defendants do hereby object to the Government's Audio Recordings.

This the 14th day of September, 2011.

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has personally served a copy of the forgoing Motion Seeking Determination Regarding Admissibility of Audio Evidence, according to the applicable Civil Procedure Rules of this Court, to wit:

 X CM/ECF (U.S. District Courts; U.S. Courts of Appeal)

Date: September 14, 2011

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